

### **REMARKS/ARGUMENTS**

In the office action mailed August 18, 2003, claims 1-6 are pending. Claims 1, 3, and 5 are rejected and claims 2, 4 and 6 are objected to. The arguments below follow the order set forth in the office action.

#### ***I. Restriction Requirement***

The Examiner states that based on the additional work involved in searching and examining two distinct inventions together, the restriction is proper. As such, Applicant has cancelled claims 7-10.

#### ***II. Oath/Declaration***

The Examiner states that the oath is defecting in that it fails to identify the citizenship of each inventor. Enclosed herewith is an oath stating that both inventors are citizens of the United States. Further, the oath indicates the application number and the filing date. As such, Applicant respectfully requests that this rejection be withdrawn.

#### ***III. Drawings***

The drawings were objected to because the tapered walls of claim 4 to divert the flow of the outer tread around the chimney block of claim 6 must be shown. The tapered walls are shown in Figs. 1 and 4 and described on page 5, lines 6 – 8, where the “flow splitting tapered upstream edge 38 of tapered walls 39” is set forth. Figs 1, 2 and 4 have been amended by changing the lead line to numeral “38” to identify the tapered upstream edge and numeral “39” added to identify the “tapered walls.” Showing the tapered upstream edge 38 clearly identifies the “tapered walls 39” which create the edge. Reconsideration of this objection is respectfully requested.

With the above corrections to Figs. 1, 2 and 4, and the addition to the description of tapered walls 39, it is believed the drawings and specifications now meet the requirements of 37 CFR 1.83(a) and 37 CFR 1.75(d) (1) and MPEP § 608.01(o). Copies of the sheets containing Figs. 1, 2 and 4 with the above corrections are enclosed.

In summary, in Fig. 1, numeral 39 has been added and the lead line to numeral 38 has been changed.

In Fig. 2, numeral 34 has been added and the lead line for numeral 38, and the lead line for numeral 30, have been extended. Also, the lead line to numeral 16 has been changed.

In Fig. 4, numeral 39 has been added. Marked up copies of the drawings showing these changes in red are also enclosed. A Request for Drawing Amendment is being filed simultaneously herewith.

#### ***IV. Specification***

The Examiner objected to the specification for failing to provide proper antecedent basis for the claimed subject matter. More specifically, the Examiner states that the subject matter of claim 4 and “the tapered walls from the upstream side to the downstream side of the chimney block to divert the flow of the outer tread around the chimney block” of claim 6 fail to provide proper antecedent basis. The specification has been amended on page 3, line 26 to add the subject matter of claim 4 and claim 6 as requested by the Examiner. As such, withdrawal of the objection is respectfully requested.

#### ***V. Informalities***

The Examiner object to Claims 1-6 because claim 1, line 14 recited “A” instead of “a.” Applicant respectfully states that a capital “A” does not appear in its copy of claim 1. Claim 1 has been cancelled, and renders the examiners objection moot. Applicant also states the currently amended claim 2 has a lower case “a” as requested by the Examiner.

Further, the Examiner requested amendment of claim 2 to read “said lower under-tread orifice” for better readability. Such amendment has been made. Further, the term “undertread layer” has been amended in the body of the claims to recite “lower layer” as stated in the preamble of the independent claims.

#### ***VI. Rejection under 35 U.S.C. § 102(e)***

The Examiner rejected claims 1, 3 and 5 under 35 U.S.C. § 102(e) as being anticipated by Nakamura. Applicant respectfully traverses the rejection. However, in light of the allowable

subject matter, claim 1 has been cancelled, and claims 3 and 5 have been amended to depend from allowed claim 2. As such, Applicant respectfully requests that the rejection be withdrawn.

***VII. Allowable Subject Matter***

The Examiner objected to claims 2, 4, and 6 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. As such, claims 2, 4, and 6 are represented in independent form as requested by the Examiner. Further, claims 3 and 5 have been amended to depend from claim 2. As such, Applicant respectfully contends that the application is in condition for allowance.

***VIII. Conclusion***

In response to the Office Action dated August 18, 2003, claims 2-6 have been amended pursuant to 37 C.F.R. 1.121. It is believed this amendment has placed the amended claims in conformance with the requirements of the Office Action. At this point, applicant believes that the claims remaining in the case distinguish over the art cited and comply with the requirements of 35 U.S.C. §102, §103 and §112. As such, allowance of the claims is respectfully requested.

Respectfully submitted,

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Date

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A circular black ink stamp from the Office of Intellectual Property (OIPE). The text "OIPE" is at the top, "NOV 24 2003" is in the center, and "PATENT &amp; TRADEMARK OFFICE" is at the bottom.



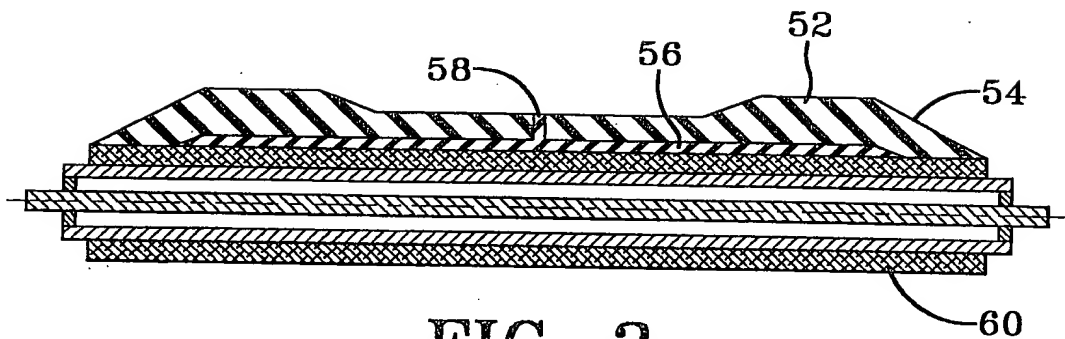


FIG-3

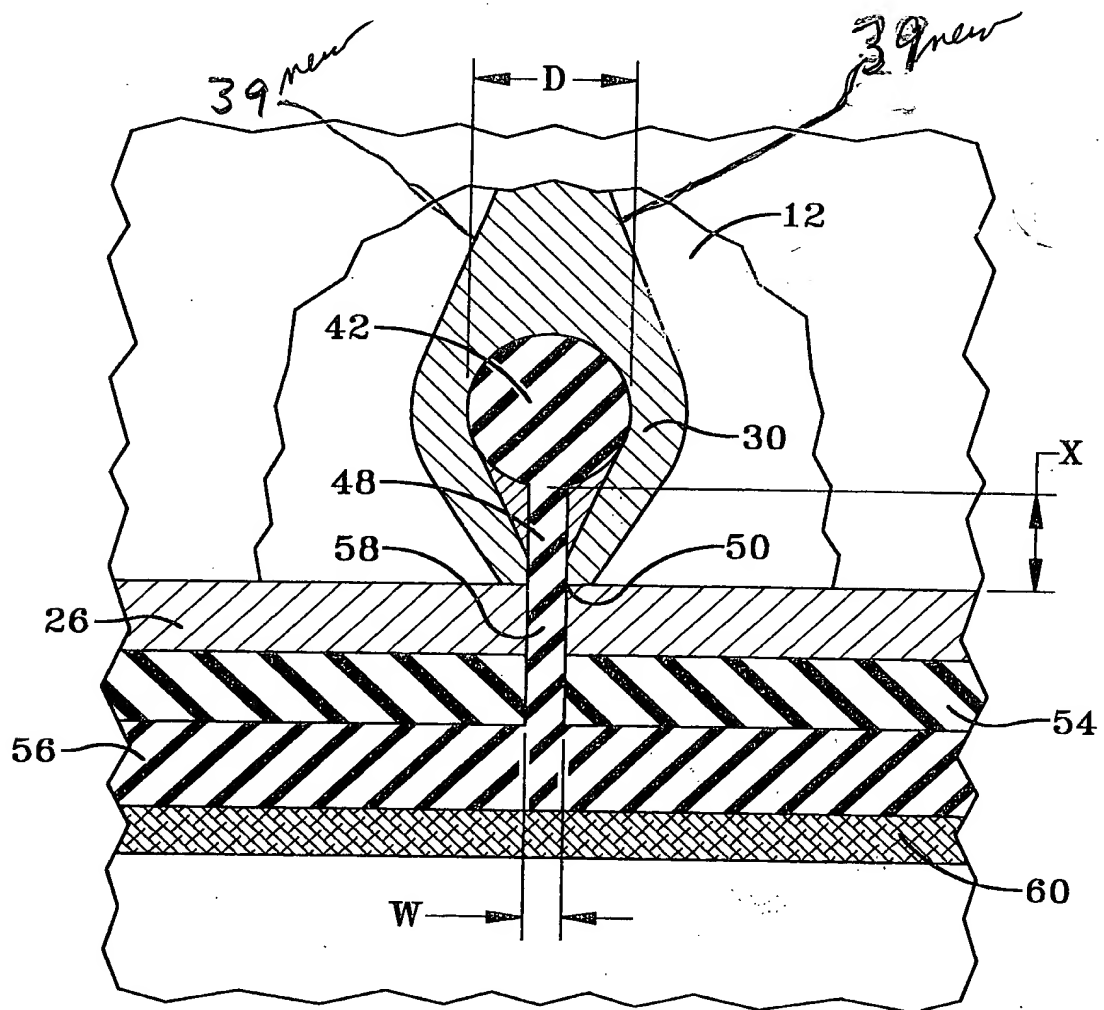


FIG-4